

IC 31-14

**ARTICLE 14. FAMILY LAW: ESTABLISHMENT OF
PATERNITY**

IC 31-14-1

Chapter 1. General Provisions

IC 31-14-1-1

Sec. 1. The general assembly favors the public policy of establishing paternity under this article of a child born out of wedlock.

As added by P.L.1-1997, SEC.6.

IC 31-14-1.5

Chapter 1.5. Security to Secure Child Support, Custody, and Visitation Rights

IC 31-14-1.5-1

Sec. 1. A bond required under this article to secure the obligation of child support, enforcement of a custody order, or enforcement of a visitation order must:

- (1) be in writing; and
- (2) be secured by:
 - (A) at least one (1) resident freehold surety; or
 - (B) a commercial insurance company.

As added by P.L.171-2001, SEC.1.

IC 31-14-1.5-2

Sec. 2. A bond described in section 1 of this chapter may be prepared in substantially the following form:

STATE OF INDIANA)
) SS:
COUNTY OF _____)
)
)
IN THE MATTER OF:)
)
)
Name of Parent (As the Principal))
)
Name of Parent (As the Oblige))
)
)
CHILD:)
)
Name of Child)
)

KNOW ALL MEN BY THESE PRESENTS, that we _____, as Principal, and _____, as Surety, are held and firmly bound unto _____, as Oblige, in the penal sum of _____ Dollars (\$ _____), for the payment of which well and truly to be made we hereby bind ourselves and our heirs, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, an Order was duly made and entered by the above Court in the State of Indiana, County of _____, dated _____, defining custody, visitation, and support rights regarding the named children.

NOW THEREFORE, the conditions of this obligation are such that:

1. No right of action on this bond shall be granted for the use or benefit of any individual, partnership, corporation, or other entity, other than the named Oblige.
2. It is agreed that neither this bond nor the obligation of this bond, nor any interest in this bond, may be assigned without the prior express written consent of the Surety.
3. Payment under this bond shall be conditioned upon the

Obligee's, or the representative of the Obligee's filing a motion with the court seeking a declaration of forfeiture of the bond and the Court's finding and entry of a final judgment ordering the Principal and Surety to make such payment. A certified copy of the filing shall be provided to the Surety at its address of record. The Surety shall make payment within thirty (30) days of receiving notification of the final judgment directly to a Trustee appointed by the Court who shall administer the funds in a fiduciary capacity.

4. The Surety shall not be liable hereunder for any amount larger than the face amount of this bond.
5. This bond and the obligation hereunder shall terminate and be of no further effect if the Court order requiring it is modified in any way without the Surety's consent, expires, or this cause is removed to another jurisdiction.
6. The Surety may file a motion with the Court for discharge of this bond and its obligation hereunder for any good cause. Good cause includes, but is not limited to, misrepresentation or fraud in the initial application for this bond, nonpayment of premium, loss of collateral, or resignation of the Indemnitor. The Surety shall give notice of any such motion to the Obligee.

NOW THEREFORE, if the Principal faithfully complies with the requirements and conditions of the Court Order within the limitations and parameters set forth therein, then this Obligation shall be void, otherwise it shall remain in full force and effect.

In witness whereof, each party to this bond has caused it to be executed at the place and on the date indicated below.

Signed, sealed and dated on this ____ day of ____, 20__.

Principal: Surety:

(Name and address of Principal)

(Name and address of Surety)

(Signature of Principal)

(Countersigned by attorney-in-fact)

(Surety seal)

Witness:

As added by P.L.171-2001, SEC.1.

IC 31-14-1.5-3

Sec. 3. Upon forfeiture, the proceeds of the security, a bond, or other guarantee ordered to secure the obligation of child support, enforcement of a custody order, or enforcement of a visitation order under this article may only be used to:

- (1) reimburse the nonviolating party for actual costs or damages incurred in upholding the court's order;
- (2) locate and return the child to the residence as set forth in the court's order, if the security, bond, or guarantee covers custody or visitation, or both; or
- (3) reimburse reasonable fees and court costs to the court

appointed trustee.
As added by P.L.171-2001, SEC.1.

IC 31-14-1.5-4

Sec. 4. Upon forfeiture, the proceeds of security, a bond, or other guarantee ordered to secure the obligation of child support, enforcement of a custody order, or enforcement of a visitation order under this article that are not applied to the expenses described in section 3 of this chapter must be applied toward:

- (1) the child's higher education; or
- (2) the support and maintenance of the child.

As added by P.L.171-2001, SEC.1.

IC 31-14-2

Chapter 2. Methods of Establishing Paternity

IC 31-14-2-1

Sec. 1. A man's paternity may only be established:

- (1) in an action under this article; or
- (2) by executing a paternity affidavit in accordance with IC 16-37-2-2.1.

As added by P.L.1-1997, SEC.6.

IC 31-14-3**Chapter 3. Rules of Procedure in Paternity Actions****IC 31-14-3-1**

Sec. 1. The Indiana Rules of Civil Procedure apply to paternity actions.

As added by P.L.1-1997, SEC.6.

IC 31-14-3-2

Sec. 2. Venue lies in the county in which the child, the mother, or the alleged father resides.

As added by P.L.1-1997, SEC.6.

IC 31-14-4

Chapter 4. Parties Entitled to File Paternity Action

IC 31-14-4-1

Sec. 1. A paternity action may be filed by the following persons:

- (1) The mother or expectant mother.
- (2) A man alleging that:
 - (A) he is the child's biological father; or
 - (B) he is the expectant father of an unborn child.
- (3) The mother and a man alleging that he is her child's biological father, filing jointly.
- (4) The expectant mother and a man alleging that he is the biological father of her unborn child, filing jointly.
- (5) A child.
- (6) The division of family and children or a county office of family and children under section 3 of this chapter.
- (7) The prosecuting attorney under section 2 of this chapter.

As added by P.L.1-1997, SEC.6.

IC 31-14-4-2

Sec. 2. (a) Upon the request of:

- (1) the child;
- (2) the mother or expectant mother;
- (3) a man alleging to be the father or expectant father;
- (4) the division of family and children; or
- (5) the county office of family and children;

the prosecuting attorney shall file a paternity action and represent the child in that action.

(b) A prosecuting attorney's office may file a paternity action if the child is:

- (1) or is alleged to be, a child in need of services; and
- (2) under the supervision of the division of family and children or the county office of family and children as the result of a court ordered out-of-home placement.

As added by P.L.1-1997, SEC.6. Amended by P.L.103-1997, SEC.2.

IC 31-14-4-3

Sec. 3. The division of family and children or a county office of family and children may file a paternity action if:

- (1) the mother;
- (2) the person with whom the child resides; or
- (3) the director of the county office of family and children;

has executed an assignment of support rights under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669).

As added by P.L.1-1997, SEC.6.

IC 31-14-5

Chapter 5. Filing of Paternity Action; Limitations

IC 31-14-5-1

Sec. 1. Each petition in a paternity action must:

(1) be verified; and

(2) be captioned "In the Matter of the Paternity of _____".

As added by P.L.1-1997, SEC.6.

IC 31-14-5-2

Sec. 2. (a) A person less than eighteen (18) years of age may file a petition if the person is competent except for the person's age. A person who is otherwise incompetent may file a petition through the person's guardian, guardian ad litem, or next friend.

(b) Except as provided in subsection (c), a child may file a paternity petition at any time before the child reaches twenty (20) years of age.

(c) If a child is incompetent on the child's eighteenth birthday, the child may file a petition not later than two (2) years after the child becomes competent.

As added by P.L.1-1997, SEC.6.

IC 31-14-5-3

Sec. 3. (a) This section does not apply to an action filed by the division of family and children or its agents under section 4 of this chapter (or IC 31-6-6.1-6(c) before its repeal).

(b) The mother, a man alleging to be the child's father, or the division of family and children or its agents must file a paternity action not later than two (2) years after the child is born, unless:

(1) both the mother and the alleged father waive the limitation on actions and file jointly;

(2) support has been furnished by the alleged father or by a person acting on his behalf, either voluntarily or under an agreement with:

(A) the mother;

(B) a person acting on the mother's behalf; or

(C) a person acting on the child's behalf;

(3) the mother, the division of family and children, or the county office of family and children files a petition after the alleged father has acknowledged in writing that he is the child's biological father;

(4) the alleged father files a petition after the mother has acknowledged in writing that he is the child's biological father;

(5) the petitioner was incompetent at the time the child was born; or

(6) a responding party cannot be served with summons during the two (2) year period.

(c) If any of the conditions described in subsection (b) exist, the paternity petition must be filed not later than two (2) years after the condition described in subsection (b) ceases to exist.

As added by P.L.1-1997, SEC.6.

IC 31-14-5-4

Sec. 4. If:

- (1) public assistance has been furnished for the child by the division of family and children; and
- (2) an assignment of support rights under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669) has been executed on behalf of the child;

the division of family and children or the county office of family and children may file an action before the child becomes nineteen (19) years of age or graduates from high school, whichever occurs first.

As added by P.L.1-1997, SEC.6.

IC 31-14-5-5

Sec. 5. Notwithstanding any other provision of this chapter, an action must be filed:

- (1) during the lifetime of the alleged father; or
- (2) not later than five (5) months after his death.

As added by P.L.1-1997, SEC.6.

IC 31-14-5-6

Sec. 6. The child, the child's mother, and each person alleged to be the father are necessary parties to each action.

As added by P.L.1-1997, SEC.6.

IC 31-14-5-7

Sec. 7. A man who files or is a party to a paternity action shall register with the putative father registry under IC 31-19-5.

As added by P.L.1-1997, SEC.6.

IC 31-14-5-8

Sec. 8. An action not otherwise barred is not barred by:

- (1) the death or stillbirth of the child; or
- (2) the death of the mother.

As added by P.L.1-1997, SEC.6.

IC 31-14-6

Chapter 6. Blood Testing in Paternity Actions

IC 31-14-6-1

Sec. 1. Upon the motion of any party, the court shall order all of the parties to a paternity action to undergo blood or genetic testing. A qualified expert approved by the court shall perform the tests.

As added by P.L.1-1997, SEC.6.

IC 31-14-6-2

Sec. 2. A party may object to the admissibility of genetic test results obtained under section 1 of this chapter (or IC 31-6-6.1-8(a) before its repeal) if the party files a written objection at least thirty (30) days before a scheduled hearing at which the test results may be offered as evidence. If a party does not file an objection under this section (or IC 31-6-6.1-8(b) before its repeal), the test results are admissible as evidence of paternity without the necessity of:

- (1) foundation testimony; or
- (2) other proof;

regarding the accuracy of the test results.

As added by P.L.1-1997, SEC.6.

IC 31-14-6-3

Sec. 3. The results of the tests and the finding of the expert:

- (1) constitute conclusive evidence if the results and finding exclude a party as the biological father of the child; and
- (2) are admissible in all paternity proceedings, unless the court excludes the results or finding for good cause.

As added by P.L.1-1997, SEC.6.

IC 31-14-6-4

Sec. 4. If the state or a political subdivision of the state pays the initial costs of blood testing in a paternity action, the state or political subdivision may recover those costs from an individual found to be the biological father of the child in the action. The court shall determine the manner in which reimbursement for the costs is to be made.

As added by P.L.1-1997, SEC.6.

IC 31-14-6-5

Sec. 5. The chain of custody of blood or genetic specimens taken for testing may be established through verified documentation of each change of custody if:

- (1) the documentation was made at or around the time of the change of custody;
- (2) the documentation was made in the course of a regularly conducted business activity; and
- (3) the documentation was made as a regular practice of a business activity.

As added by P.L.1-1997, SEC.6. Amended by P.L.213-1999, SEC.9.

IC 31-14-7

Chapter 7. Presumption of Paternity

IC 31-14-7-1

Sec. 1. A man is presumed to be a child's biological father if:

(1) the:

(A) man and the child's biological mother are or have been married to each other; and

(B) child is born during the marriage or not later than three hundred (300) days after the marriage is terminated by death, annulment, or dissolution;

(2) the:

(A) man and the child's biological mother attempted to marry each other by a marriage solemnized in apparent compliance with the law, even though the marriage:

(i) is void under IC 31-11-8-2, IC 31-11-8-3, IC 31-11-8-4, or IC 31-11-8-6; or

(ii) is voidable under IC 31-11-9; and

(B) child is born during the attempted marriage or not later than three hundred (300) days after the attempted marriage is terminated by death, annulment, or dissolution; or

(3) the man undergoes a genetic test that indicates with at least a ninety-nine percent (99%) probability that the man is the child's biological father.

As added by P.L.1-1997, SEC.6. Amended by P.L.138-2001, SEC.6.

IC 31-14-7-2

Sec. 2. (a) If there is not a presumed biological father under section 1 or 1.5 of this chapter, there is a rebuttable presumption that a man is the child's biological father if, with the consent of the child's mother, the man:

(1) receives the child into the man's home; and

(2) openly holds the child out as the man's biological child.

(b) The circumstances under this section do not establish the man's paternity. A man's paternity may only be established as described in IC 31-14-2-1.

As added by P.L.1-1997, SEC.6. Amended by P.L.138-2001, SEC.7.

IC 31-14-7-3

Sec. 3. A man is a child's legal father if the man executed a paternity affidavit in accordance with IC 16-37-2-2.1 and the paternity affidavit has not been rescinded or set aside under IC 16-37-2-2.1.

As added by P.L.138-2001, SEC.8.

IC 31-14-8

Chapter 8. Paternity Hearing

IC 31-14-8-1

Sec. 1. The court may enter a finding that a man is the child's biological father without first holding a hearing on the matter if:

(1) the mother and the alleged father in the paternity issue execute and file with the court a verified written stipulation; or

(2) the parties have filed a joint petition alleging;

that the man is the child's biological father.

As added by P.L.1-1997, SEC.6.

IC 31-14-8-2

Sec. 2. If a man who is the alleged father in a paternity action under this article fails to appear for a hearing relating to the man's paternity, the court shall enter a default order against the man upon a showing that the man received notice of the hearing.

As added by P.L.1-1997, SEC.6.

IC 31-14-8-3

(Repealed by P.L.257-1997(ss), SEC.40.)

IC 31-14-8-4

Sec. 4. Upon the request of any party, the court shall grant a continuance of the final paternity hearing until after the child is born.

As added by P.L.1-1997, SEC.6.

IC 31-14-9**Chapter 9. Record of Paternity Determination****IC 31-14-9-1**

Sec. 1. Upon a finding that a man is a child's biological father, the clerk of the court shall prepare a record of the paternity determination on a form prescribed and furnished by the state department of health. The record must include the following:

- (1) Facts necessary to locate and identify the birth certificate of the child whose paternity has been established.
- (2) A notice from the court indicating that the child's paternity has been established in a court proceeding under this article (or IC 31-6-6.1 before its repeal), including identification of the court action and proceedings.
- (3) The name and address of the child's father.

As added by P.L.1-1997, SEC.6.

IC 31-14-9-2

Sec. 2. Not later than the tenth day of each month, the clerk of the court shall forward to the state department of health the following:

- (1) Each record of a paternity determination entered during the preceding month.
- (2) Each order entered during the preceding month indicating that a court has set aside a paternity determination.
- (3) Any other related reports that the state department of health requires.

As added by P.L.1-1997, SEC.6.

IC 31-14-10

Chapter 10. Hearing to Determine Support, Custody, and Visitation Following Determination of Paternity

IC 31-14-10-1

Sec. 1. Upon finding that a man is the child's biological father, the court shall, in the initial determination, conduct a hearing to determine the issues of support, custody, and visitation. Upon the request of any party or on the court's own motion, the court may order a probation officer or caseworker to prepare a report to assist the court in determining these matters.

As added by P.L.1-1997, SEC.6.

IC 31-14-10-2

Sec. 2. The probation officer or caseworker may do the following:

- (1) Consult with any person who may have information about the child and the child's potential custodial arrangements.
- (2) Upon approval of the court, refer the child for professional diagnosis and evaluation.
- (3) Without consent from the child's parent or guardian, consult with and obtain information concerning the child from:
 - (A) medical;
 - (B) psychiatric;
 - (C) psychological; or
 - (D) other;

persons who have knowledge of the child.

As added by P.L.1-1997, SEC.6.

IC 31-14-10-3

Sec. 3. The court may make findings and orders without holding the hearing required by section 1 of this chapter if:

- (1) the mother and the alleged father execute and file with the court a verified written stipulation; or
- (2) the parties have filed a joint petition;

resolving the issues of custody, child support, and visitation. The court shall incorporate provisions of the written stipulation or joint petition into orders entered under this section.

As added by P.L.1-1997, SEC.6.

IC 31-14-11

Chapter 11. Support Following Determination of Paternity

IC 31-14-11-1

Sec. 1. If:

- (1) a paternity affidavit is executed under IC 16-37-2-2.1; and
 - (2) the man who executed the paternity affidavit fails to set forth evidence at a child support hearing that rebuts the man's paternity;
- an order establishing paternity and child support for the child named in the paternity affidavit may be obtained at a child support hearing without any further proceedings to establish the child's paternity.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-1.1

Sec. 1.1. In a paternity proceeding, the court shall issue a temporary order for child support if there is clear and convincing evidence that the man involved in the proceeding is the child's biological father.

As added by P.L.257-1997(ss), SEC.39.

IC 31-14-11-2

Sec. 2. The court may order either or both parents to pay any reasonable amount for child support after considering all relevant factors, including the following:

- (1) The financial resources of the custodial parent.
- (2) The standard of living the child would have enjoyed had the parents been married and remained married to each other.
- (3) The physical and mental condition of the child.
- (4) The child's educational needs.
- (5) The financial resources and needs of the noncustodial parent.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-3

Sec. 3. (a) Where appropriate, the support order may include:

- (1) money for the child's education beyond grade 12, after the court has considered:

- (A) the child's aptitude and ability;
- (B) the child's reasonable ability to contribute to educational expenses through:
 - (i) work;
 - (ii) obtaining loans; and
 - (iii) obtaining other sources of financial aid reasonably available to the child and the parent or parents; and
- (C) the ability of the parents to meet these expenses;

- (2) special medical, hospital, or dental expenses necessary to serve the best interests of the child;
- (3) fees mandated under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669); and
- (4) basic health and hospitalization insurance coverage for the child.

(b) If, however, the Title IV-D agency initiates action to establish or modify a support obligation and petitions the court to include basic

health and hospitalization insurance coverage in the support order, the court shall consider including a provision for this insurance coverage if the insurance coverage is available to the parent at reasonable cost.
As added by P.L.1-1997, SEC.6.

IC 31-14-11-4

Sec. 4. If the court orders support for a child's educational expenses at an institution of higher learning under section 3 of this chapter, the court shall reduce other child support for the child that:

- (1) is duplicated by the educational support order; and
- (2) would otherwise be paid to the custodial parent.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-5

Sec. 5. The support order:

- (1) may include the period dating from the birth of the child; and
- (2) must include the period dating from the filing of the paternity action.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-6

Sec. 6. The court may set aside any portion of either parent's property that may be necessary and proper for the support of the child.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-7

Sec. 7. The court may provide in:

- (1) a support order; or
- (2) modification of a support order;

for the security, bond, or other guarantee that is satisfactory to the court to secure the obligation to make support payments.

As added by P.L.1-1997, SEC.6. Amended by P.L.171-2001, SEC.2.

IC 31-14-11-8

Sec. 8. A support order may be modified or revoked upon a showing:

- (1) of a substantial change in circumstances that makes the terms unreasonable; or
- (2) that:
 - (A) a person has been ordered to pay an amount in child support that differs by more than twenty percent (20%) from the amount that would be ordered by applying the child support guidelines; and
 - (B) the support order requested to be modified or revoked was issued at least twelve (12) months before the petition requesting modification was filed.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-9

Sec. 9. The court may order that support payments be made to any appropriate person or agency.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-10

Sec. 10. Support payments may be used only for the benefit of the child. However, if the payments are assigned to the state agency administering Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669), the payments shall be disbursed and fees shall be imposed in accordance with Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669).

As added by P.L.1-1997, SEC.6.

IC 31-14-11-11

Sec. 11. The court shall require that support payments be made through the clerk of the court or the child support bureau under IC 12-17-2 as trustee for remittance to the person entitled to receive the payments, unless the court has reasonable grounds for providing or approving another method of payment.

As added by P.L.1-1997, SEC.6. Amended by P.L.257-1997(ss), SEC.36.

IC 31-14-11-12

Sec. 12. (a) If the clerk of the court is notified by the Title IV-D agency or the agency's designee that:

(1) the child who is the beneficiary of a support order is receiving assistance under the federal Title IV-A assistance program (42 U.S.C. 601 et seq.); and

(2) an assignment of support rights in favor of the state is in effect against the person obligated to make child support payments;

the clerk of the court shall forward the child support payments directly to the Title IV-D agency without further order of the court.

(b) The Title IV-D agency shall disburse the child support payments in accordance with federal regulations governing the Title IV-D program.

As added by P.L.1-1997, SEC.6. Amended by P.L.257-1997(ss), SEC.37.

IC 31-14-11-13

Sec. 13. (a) The clerk shall maintain records listing the following:

(1) The amount of child support payments.

(2) The date when child support payments must be made.

(3) The names and addresses of the parties affected by the order.

(4) The information required to be submitted to the clerk by sections 14 and 15 of this chapter.

(b) If the clerk elects under IC 5-13-6-4(a) not to follow the accounting and depository procedures required by IC 5-13-6, the clerk shall comply with IC 5-13-6-4(b).

As added by P.L.1-1997, SEC.6.

IC 31-14-11-14

Sec. 14. The custodial parent and the noncustodial parent shall furnish the following information to the clerk of the court at the time

of the issuance or modification of a child support order:

- (1) The parent's Social Security number.
- (2) The name and address of the parent's employer.

As added by P.L.1-1997, SEC.6. Amended by P.L.138-2001, SEC.9.

IC 31-14-11-15

Sec. 15. At the time of the issuance or modification of a support order, the parties affected by the order shall inform the clerk of:

- (1) any change of address and any other conditions that may affect the administration of the order;
- (2) whether any of the parties is receiving or has received assistance under the federal Aid to Families with Dependent Children program (42 U.S.C. 601 et seq.); and
- (3) the Social Security number of any child affected by the order.

The Social Security number required under subdivision (3) shall be kept confidential and used only to carry out the purposes of the Title IV-D program.

As added by P.L.1-1997, SEC.6. Amended by P.L.213-1999, SEC.10.

IC 31-14-11-16

Sec. 16. In all cases administered by the Title IV-D agency, the court shall order the noncustodial parent to inform the Title IV-D agency and the court of:

- (1) the name and address of the noncustodial parent's current employer;
- (2) specific health insurance policy information, including access to health insurance plans; and
- (3) the Social Security number of the noncustodial parent.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-17

Sec. 17. If the child dies while a support order is in effect, the court may order either or both parents to pay reasonable funeral expenses.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-18

Sec. 18. The duty to support a child under this article (or IC 31-6-6.1 before its repeal) ceases when the child becomes twenty-one (21) years of age unless either of the following conditions occurs:

- (1) The child is emancipated before the child becomes twenty-one (21) years of age. If this occurs, the child support, except for educational needs, terminates at the time of emancipation. However, an order for educational needs may continue in effect until further order of the court.
- (2) The child is incapacitated. If this occurs, the child support continues during the incapacity or until further order of the court.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-19

Sec. 19. Unless otherwise agreed in writing or expressly provided

in the order, provisions for child support are terminated by the emancipation of the child, but not by the death of a parent obligated to pay support.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-20

Sec. 20. Subject to section 19 of this chapter, if a parent obligated to pay support dies, the amount of support may be modified or revoked to the extent just and appropriate under the circumstances on petition of representatives of the parent's estate.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-21

Sec. 21. Child support that:

(1) the parent was obligated to pay; and

(2) has not been paid at the time of the parent's death;

constitutes a priority claim against the estate.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-22

Sec. 22. The obligation of a person to pay child support arrearages does not terminate when the person's duty to support a child ceases under section 21 of this chapter (or IC 31-6-6.1-13(f) before its repeal). The statutes applicable to the collection of child support obligations apply to the collection of child support arrearages described in this section.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-23

Sec. 23. If a court vacates or has vacated a man's paternity of a child based on fraud or mistake of fact, the man's child support obligation, including any arrearage, terminates.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-24

Sec. 24. After a proper showing of necessity, the court may order the person receiving child support to provide an accounting of future expenditures.

As added by P.L.1-1997, SEC.6.

IC 31-14-12

Chapter 12. Enforcement of Support Order Following Determination of Paternity

IC 31-14-12-1

Sec. 1. (a) A court may, upon application by a person or an agency entitled to receive child support payments ordered by the court, order interest charges equal to one and one-half percent (1.5%) per month to be paid on any delinquent child support payment that occurs. The person or agency may apply for interest:

- (1) at the time the support order is issued or modified; or
- (2) whenever support payments are not made in accordance with the support order.

(b) Interest charges may be collected in the same manner as support payments.

As added by P.L.1-1997, SEC.6.

IC 31-14-12-2

Sec. 2. Upon application for enforcement of a support order, the court may:

- (1) enforce a judgment created under IC 31-16-16-2 (or IC 31-2-11-8 before its repeal) for the unpaid amount;
- (2) issue an income withholding order as provided in IC 31-16-15-1; or
- (3) activate an existing income withholding order as provided in IC 31-16-15-5 or IC 31-16-15-6.

As added by P.L.1-1997, SEC.6.

IC 31-14-12-3

Sec. 3. (a) If the court finds that a party is delinquent as a result of an intentional violation of an order for support, the court may find the party in contempt of court.

(b) If an action or request to enforce payment of a child support arrearage is commenced not later than ten (10) years after:

- (1) the child becomes eighteen (18) years of age; or
- (2) the emancipation of the child;

whichever occurs first, the court may, upon a request by the person or agency entitled to receive child support arrearages, find a party in contempt of court.

(c) The court may order a party who is found in contempt of court under this section to perform community restitution or service without compensation in a manner specified by the court.

As added by P.L.1-1997, SEC.6. Amended by P.L.32-2000, SEC.16; P.L.123-2001, SEC.1.

IC 31-14-12-4

Sec. 4. If a court finds that a person is delinquent (as defined in IC 12-17-2-1.5) as a result of an intentional violation of an order for support, the court shall issue an order to the bureau of motor vehicles:

- (1) stating that the person is delinquent; and
- (2) ordering the following:

(A) If the person who is the subject of the order holds a driving license or permit on the date of issuance of the order, that the driving privileges of the person be suspended until the bureau receives a further order of the court recommending reinstatement.

(B) If the person who is the subject of the order does not hold a driving license or permit on the date of issuance of the order, that the bureau may not issue a driving license or permit to the person until the bureau receives a further order of the court recommending issuance.

As added by P.L.1-1997, SEC.6.

IC 31-14-12-5

Sec. 5. If a court finds that a person who is an applicant (as defined in IC 25-1-1.2-1), a practitioner (as defined in IC 25-1-1.2-6), an attorney, or a licensed teacher is delinquent (as defined in IC 12-17-2-1.5) as a result of an intentional violation of an order for support, the court shall issue an order to the board regulating the practice of the person's profession or occupation:

- (1) requiring that the person's or practitioner's license be suspended until further order of the court; or
- (2) ordering the board not to issue a license to the person who is the subject of the order if the person does not currently hold a license.

As added by P.L.1-1997, SEC.6.

IC 31-14-12-6

Sec. 6. If a court finds that a person who holds a license issued under IC 4-31-6 or IC 4-33 is delinquent (as defined in IC 12-17-2-1.5) as a result of an intentional violation of an order for child support, the court shall issue an order to:

- (1) the Indiana horse racing commission if the person holds a license issued under IC 4-31-6; or
- (2) the Indiana gaming commission if the person holds a license issued under IC 4-33;

requiring that the person's license be suspended until further order of the court.

As added by P.L.1-1997, SEC.6.

IC 31-14-12-7a

Note: This version of section effective until 1-1-2002. See also following version of this section, effective 1-1-2002.

Sec. 7. If a court finds that a person who holds a license or who is an applicant for a license issued under IC 27-1-15.5 or IC 27-10-3 is delinquent (as defined in IC 12-17-2-1.5) as a result of an intentional violation of an order for child support, the court shall issue an order to the commissioner of the department of insurance:

- (1) requiring that the person's license be suspended until further order of the court;
- (2) ordering the commissioner not to issue a license to the person who is the subject of the order if the person does not currently

hold a license; or

(3) ordering the commissioner not to renew the license of the person who is the subject of the order.

As added by P.L.1-1997, SEC.6.

Note: See also following version of this section, effective 1-1-2002.

IC 31-14-12-7b

Note: This version of section effective 1-1-2002. See also preceding version of this section, effective until 1-1-2002.

Sec. 7. If a court finds that a person who holds a license or who is an applicant for a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 is delinquent (as defined in IC 12-17-2-1.5) as a result of an intentional violation of an order for child support, the court shall issue an order to the commissioner of the department of insurance:

(1) requiring that the person's license be suspended until further order of the court;

(2) ordering the commissioner not to issue a license to the person who is the subject of the order if the person does not currently hold a license; or

(3) ordering the commissioner not to renew the license of the person who is the subject of the order.

As added by P.L.1-1997, SEC.6. Amended by P.L.132-2001, SEC.22.

Note: See also preceding version of this section, effective until 1-1-2002.

IC 31-14-12-8

Sec. 8. The Title IV-D agency shall provide the full name, date of birth, verified address, and Social Security number or driving license number of the person who is the subject of an order under:

(1) section 4 of this chapter to the bureau of motor vehicles;

(2) section 5 of this chapter to the board regulating the person's profession or occupation;

(3) section 6 of this chapter to the Indiana horse racing commission or the Indiana gaming commission; and

(4) section 7 of this chapter to the commissioner of the department of insurance.

As added by P.L.1-1997, SEC.6.

IC 31-14-12-9

Sec. 9. Notwithstanding section 4, 5, 6, or 7 of this chapter, the court may stay issuance of an order under section 4, 5, 6, or 7 of this chapter (or IC 31-6-6.1-16(j), IC 31-6-6.1-16(k), IC 31-6-6.1-16(l), or IC 31-6-6.1-16(m) before the repeal of IC 31-6-6.1-16) if:

(1) the person pays the child support arrearage in full; or

(2) an income withholding order under IC 31-16-15 (or IC 31-2-10 before its repeal) is activated and a payment plan to pay the arrearage is established.

As added by P.L.1-1997, SEC.6.

IC 31-14-13

Chapter 13. Custody Following Determination of Paternity

IC 31-14-13-1

Sec. 1. A biological mother of a child born out of wedlock has sole legal custody of the child, unless a statute or court order provides otherwise under the following:

- (1) IC 12-26 (involuntary commitment of a child).
- (2) IC 29-3 (guardianship and protective proceedings under the probate code).
- (3) IC 31-14 (custody of a child born outside of a marriage).
- (4) IC 31-34 (child in need of services).
- (5) IC 31-37 (delinquent child).
- (6) IC 35-46 (offenses against the family).
- (7) IC 35-50 (criminal sentences).
- (8) An order by a court that has jurisdiction over the child.

As added by P.L.1-1997, SEC.6.

IC 31-14-13-2

Sec. 2. The court shall determine custody in accordance with the best interests of the child. In determining the child's best interests, there is not a presumption favoring either parent. The court shall consider all relevant factors, including the following:

- (1) The age and sex of the child.
- (2) The wishes of the child's parents.
- (3) The wishes of the child, with more consideration given to the child's wishes if the child is at least fourteen (14) years of age.
- (4) The interaction and interrelationship of the child with:
 - (A) the child's parents;
 - (B) the child's siblings; and
 - (C) any other person who may significantly affect the child's best interest.
- (5) The child's adjustment to home, school, and community.
- (6) The mental and physical health of all individuals involved.
- (7) Evidence of a pattern of domestic violence by either parent.
- (8) Evidence that the child has been cared for by a de facto custodian, and if the evidence is sufficient, the court shall consider the factors described in section 2.5(b) of this chapter.

As added by P.L.1-1997, SEC.6. Amended by P.L.96-1999, SEC.2.

IC 31-14-13-2.5

Sec. 2.5. (a) This section applies only if the court finds by clear and convincing evidence that the child has been cared for by a de facto custodian.

(b) In addition to the factors listed in section 2 of this chapter, the court shall consider the following factors in determining custody:

- (1) The wishes of the child's de facto custodian.
- (2) The extent to which the child has been cared for, nurtured, and supported by the de facto custodian.
- (3) The intent of the child's parent in placing the child with the de facto custodian.

(4) The circumstances under which the child was allowed to remain in the custody of the de facto custodian, including whether the child was placed with the de facto custodian to allow the parent seeking custody to:

- (A) seek employment;
- (B) work; or
- (C) attend school.

(c) If a court determines that a child is in the custody of a de facto custodian, the court shall make the de facto custodian a party to the proceeding.

(d) The court shall award custody of the child to the child's de facto custodian if the court determines that it is in the best interests of the child.

(e) If the court awards custody of the child to the child's de facto custodian, the de facto custodian is considered to have legal custody of the child under Indiana law.

As added by P.L.96-1999, SEC.3.

IC 31-14-13-3

Sec. 3. (a) The court may interview the child in chambers to ascertain the child's wishes.

(b) The court may permit counsel to be present at the interview.

(c) If counsel is present at the interview, a record may be made of the interview and made part of the record for purposes of appeal.

As added by P.L.1-1997, SEC.6.

IC 31-14-13-4

Sec. 4. The custodial parent may determine the child's upbringing, which includes education, health care, and religious training, unless the court determines that the best interests of the child require a limitation on this authority.

As added by P.L.1-1997, SEC.6.

IC 31-14-13-5

Sec. 5. The court may order the probation department, the county office of family and children, or any licensed child placing agency to supervise the placement to ensure that the custodial or visitation terms of the decree are carried out if:

- (1) both parents or the child request supervision; or
- (2) the court finds that without supervision the child's physical health and well-being would be endangered or the child's emotional development would be significantly impaired.

As added by P.L.1-1997, SEC.6.

IC 31-14-13-6

Sec. 6. The court may not modify a child custody order unless:

- (1) modification is in the best interests of the child; and
- (2) there is a substantial change in one (1) or more of the factors that the court may consider under section 2 and, if applicable, section 2.5 of this chapter.

As added by P.L.1-1997, SEC.6. Amended by P.L.96-1999, SEC.4.

IC 31-14-13-6.5

Sec. 6.5. The court may provide in:

- (1) a custody order; or
- (2) a modification of a custody order;

for the security, bond, or other guarantee that is satisfactory to the court to secure enforcement of the custody order.

As added by P.L.171-2001, SEC.3.

IC 31-14-13-6.7

Sec. 6.7. (a) The court shall consider requiring security, a bond, or another guarantee under section 6.5 of this chapter if the court makes a finding under subdivision (1), (2), (4), or (7) by clear and convincing evidence. If the court makes a finding under subdivisions (1), (2), (4), or (7), the court shall also consider subdivisions (3), (5), (6), (8), and (9) in determining the amount of security, bond, or other guarantee. In making a determination under this section, the court shall consider the following:

- (1) Whether a party has previously taken a child out of Indiana or another state in violation of a custody or visitation order.
- (2) Whether a party has previously threatened to take a child out of Indiana or another state in violation of a custody or visitation order.
- (3) Whether a party has strong ties to Indiana.
- (4) Whether a party:
 - (A) is a citizen of another country;
 - (B) has strong emotional or cultural ties to the other country; and
 - (C) has indicated or threatened to take a child out of Indiana to the other country.
- (5) Whether a party has friends or family living outside Indiana.
- (6) Whether a party does not have a financial reason to stay in Indiana, such as whether the party is unemployed, able to work anywhere, or is financially independent.
- (7) Whether a party has engaged in planning that would facilitate removal from Indiana, such as quitting a job, selling the party's primary residence, terminating a lease, closing an account, liquidating other assets, hiding or destroying documents, applying for a passport, applying for a birth certificate, or applying for school or medical records.
- (8) Whether a party has a history of marital instability, a lack of parental cooperation, domestic violence, or child abuse.
- (9) Whether a party has a criminal record.

After considering evidence, the court shall issue a written determination of security, bond, or other written guarantee supported by findings of fact and conclusions of law.

(b) If a motion for change of judge or change of venue is filed, the court may, before a determination of change of judge or change of venue, consider security, bond, or other guarantee under this chapter.

As added by P.L.171-2001, SEC.4.

IC 31-14-13-7

Sec. 7. In making a determination, the court shall consider the factors listed under section 2 of this chapter.

As added by P.L.1-1997, SEC.6.

IC 31-14-13-8

Sec. 8. An intentional violation by a custodial parent of an injunction or a temporary restraining order issued under IC 31-14-15 (or IC 31-6-6.1-12.1 before its repeal) may be considered a relevant factor under section 2 of this chapter that the court must consider in a proceeding for a custody modification under this chapter.

As added by P.L.1-1997, SEC.6.

IC 31-14-13-9

Sec. 9. In a proceeding for a custody modification, the court may not hear evidence on a matter occurring before the last custody proceeding between the parties unless the matter relates to a change in the factors relating to the best interests of the child as described in section 2 and, if applicable, section 2.5 of this chapter.

As added by P.L.1-1997, SEC.6. Amended by P.L.96-1999, SEC.5.

IC 31-14-13-10

Sec. 10. If an individual who has been awarded custody of a child under this chapter (or IC 31-6-6.1-11 before its repeal) intends to move to a residence other than a residence specified in the custody order that is outside Indiana or at least one hundred (100) miles from the individual's county of residence, the individual must:

- (1) file a notice of that intent with the clerk of the court that issued the custody order; and
- (2) send a copy of the notice to each noncustodial parent.

As added by P.L.1-1997, SEC.6.

IC 31-14-13-11

Sec. 11. (a) If any party to a custody order applies for a passport for the child, the party who applies for the child's passport shall do the following not less than ten (10) days before applying for the child's passport:

- (1) File a notice of the passport application with the clerk of the court that issued the custody order.
- (2) Send a copy of the notice to the other party.

(b) The parties may jointly agree in writing to waive the requirements of subsection (a).

As added by P.L.1-1997, SEC.6. Amended by P.L.96-1999, SEC.6.

IC 31-14-14

Chapter 14. Visitation Following Determination of Paternity

IC 31-14-14-1

Sec. 1. A noncustodial parent is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation might:

- (1) endanger the child's physical health and well-being; or
- (2) significantly impair the child's emotional development.

As added by P.L.1-1997, SEC.6.

IC 31-14-14-2

Sec. 2. The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child.

As added by P.L.1-1997, SEC.6.

IC 31-14-14-2.5

Sec. 2.5. The court may provide in:

- (1) a visitation order; or
- (2) a modification of a visitation order;

for the security, bond, or other guarantee that is satisfactory to secure enforcement of the visitation order.

As added by P.L.171-2001, SEC.5.

IC 31-14-14-3

Sec. 3. An order granting or denying visitation rights to a noncustodial parent does not affect visitation rights granted to a grandparent under IC 31-17-5-1 or IC 31-17-5-10 (or IC 31-1-11.7-2 before its repeal).

As added by P.L.1-1997, SEC.6.

IC 31-14-14-4

Sec. 4. A noncustodial parent who misses visitation as the result of participation in an activity of:

- (1) the Indiana National Guard; or
- (2) a reserve component of the armed forces of the United States;

may make up the lost visitation as provided in IC 10-2-4-23.

As added by P.L.103-1997, SEC.3.

IC 31-14-14-5

Sec. 5. (a) This section applies if a court finds that a noncustodial parent has been convicted of a domestic battery under IC 35-42-2-1.3 that was witnessed or heard by the noncustodial parent's child.

(b) There is created a rebuttable presumption that the court shall order that the noncustodial parent's visitation with the child must be supervised:

- (1) for at least one (1) year and not more than two (2) years immediately following the domestic battery conviction; or
- (2) until the child becomes emancipated;

whichever occurs first.

As added by P.L.188-1999, SEC.1. Amended by P.L.243-1999, SEC.1.

IC 31-14-15

Chapter 15. Temporary Restraining Orders and Permanent Injunctions Against Custodial Parents

IC 31-14-15-1

Sec. 1. A noncustodial parent who:

- (1) has been granted visitation rights with a child who lives with the custodial parent;
- (2) regularly pays support ordered by a court for the child; and
- (3) is barred by a custodial parent from exercising visitation rights ordered for the noncustodial parent and the child;

may file, in the court that has jurisdiction over the paternity action, an application for a permanent injunction against the custodial parent under Rule 65 of the Indiana Rules of Trial Procedure.

As added by P.L.1-1997, SEC.6.

IC 31-14-15-2

Sec. 2. (a) If:

- (1) an application for an injunction is filed under this chapter (or IC 31-6-6.1-12.1 before its repeal); and
- (2) the noncustodial parent submits an affidavit as described in subsection (b);

the court may grant, without notice, a temporary restraining order restraining the custodial parent from further violation of the visitation order.

(b) In the affidavit, the noncustodial parent shall state under penalties for perjury:

- (1) that the noncustodial parent has been granted visitation rights with the child; and
- (2) that the noncustodial parent regularly pays the support ordered by a court for the child.

(c) The court shall hold a hearing upon the restraining order at the earliest convenience of the court.

As added by P.L.1-1997, SEC.6.

IC 31-14-15-3

Sec. 3. (a) This section does not apply to an order under IC 31-14-11-7, IC 31-14-13-6.5, or IC 31-14-14-2.5.

(b) A court may not require an applicant for a temporary restraining order or an injunction under this chapter (or IC 31-6-6.1-12.1 before its repeal) to give security.

As added by P.L.1-1997, SEC.6. Amended by P.L.171-2001, SEC.6.

IC 31-14-15-4

Sec. 4. A court that finds a violation without justifiable cause by a custodial parent of an injunction or a temporary restraining order issued under this chapter (or IC 31-6-6.1-12.1 before its repeal):

- (1) shall find the custodial parent in contempt of court;
- (2) shall order the exercise of visitation that was not exercised due to the violation under this section (or IC 31-6-6.1-12.1(e) before its repeal) at a time the court considers compatible with the

schedules of the noncustodial parent and the child;

(3) may order payment by the custodial parent of reasonable attorney's fees, costs, and expenses to the noncustodial parent; and

(4) may order the custodial parent to perform community restitution or service without compensation in a manner specified by the court.

As added by P.L.1-1997, SEC.6. Amended by P.L.32-2000, SEC.17.

IC 31-14-15-5

Sec. 5. The remedies in this chapter are in addition to and do not limit other civil or criminal remedies available to the noncustodial parent.

As added by P.L.1-1997, SEC.6.

IC 31-14-16

Chapter 16. Protective Orders

IC 31-14-16-1

Sec. 1. A parent may request a court to issue a protective order against the other parent at any time after a final decree of paternity is issued under this article (or IC 31-6-6.1 before its repeal) if the parties have an unemancipated child. The parent must file an independent written verified motion that establishes the factual basis or relief sought in the protective order.

As added by P.L.1-1997, SEC.6.

IC 31-14-16-2

Sec. 2. (a) This section does not apply to an order under IC 31-14-11-7, IC 31-14-13-6.5, or IC 31-14-14-2.5.

(b) A court may not require the moving party under this chapter to give security.

As added by P.L.1-1997, SEC.6. Amended by P.L.171-2001, SEC.7.

IC 31-14-16-3

Sec. 3. (a) If a party requests the court to issue an emergency protective order, the court shall immediately review the motion ex parte. If the court finds that there is probable cause to believe that the moving party, a member of the moving party's household, or the moving party's property was or is in danger of being abused or threatened with abuse by the respondent, the court shall:

(1) issue an emergency protective order directing the respondent to refrain from:

(A) abusing, harassing, or disturbing the peace of the moving party by either direct or indirect contact;

(B) abusing, harassing, or disturbing the peace of a member of the moving party's household, by either direct or indirect contact;

(C) entering:

(i) the property of the moving party; or

(ii) any other property as specifically described in the motion; or

(D) damaging any property of the moving party; and

(2) set a date for the protective order hearing not more than thirty

(30) days after the date the motion is filed with the court.

(b) An emergency protective order issued under this section expires on the date a protective order hearing is held.

As added by P.L.1-1997, SEC.6.

IC 31-14-16-4

Sec. 4. The court shall set a date for a hearing concerning a motion for an emergency protective order not more than thirty (30) days after the date the motion is filed with the court.

As added by P.L.1-1997, SEC.6.

IC 31-14-16-5

Sec. 5. If at least one (1) of the allegations described in a motion for an emergency protective order is proved by a preponderance of the evidence at the hearing on the motion, the court shall order the respondent to:

- (1) refrain from abusing, harassing, or disturbing the peace of the moving party, by either direct or indirect contact;
- (2) refrain from abusing, harassing, or disturbing the peace of a member of the moving party's household, by either direct or indirect contact;
- (3) refrain from entering:
 - (A) the property of the moving party;
 - (B) jointly owned or leased property of the moving party and the respondent if the respondent is not the sole owner or lessee; or
 - (C) any other property as specifically described in the motion;
- (4) refrain from damaging any property of the moving party; or
- (5) be evicted from the dwelling of the moving party if the respondent is not the sole owner or lessee of the moving party's dwelling.

As added by P.L.1-1997, SEC.6.

IC 31-14-16-6

Sec. 6. A protective order under this chapter:

- (1) remains in effect for one (1) year; and
- (2) at the request of a party, may be renewed for not more than one (1) year.

As added by P.L.1-1997, SEC.6.

IC 31-14-16-7

Sec. 7. When a court issues a protective order under this chapter:

- (1) the clerk of the court shall comply with IC 5-2-9; and
- (2) the moving party shall file with the clerk the confidential form prescribed or approved by the division of state court administration.

As added by P.L.1-1997, SEC.6.

IC 31-14-16-8

Sec. 8. (a) A court may not issue a joint or mutual protective order under this chapter. If both parties allege injury, the parties must do so by separate motions.

(b) The trial court shall:

- (1) review each motion separately; and
- (2) grant or deny each motion on its individual merits.

(c) If the trial court finds cause to grant both motions, the court shall do so by separate orders and with specific findings justifying the issuance of each order.

As added by P.L.1-1997, SEC.6.

IC 31-14-17

Chapter 17. Expenses of Childbirth

IC 31-14-17-1

Sec. 1. The court shall order the father to pay at least fifty percent (50%) of the reasonable and necessary expenses of the mother's pregnancy and childbirth, including the cost of:

- (1) prenatal care;
- (2) delivery;
- (3) hospitalization; and
- (4) postnatal care.

As added by P.L.1-1997, SEC.6. Amended by P.L.138-2001, SEC.10.

IC 31-14-18

Chapter 18. Court Costs

IC 31-14-18-1

Sec. 1. The court may tax as costs the reasonable expenses of any medical tests authorized under IC 31-14-6 (or IC 31-6-6.1-8 before its repeal).

As added by P.L.1-1997, SEC.6.

IC 31-14-18-2

Sec. 2. (a) The court may order a party to pay:

- (1) a reasonable amount for the cost to the other party of maintaining an action under this article; and
- (2) a reasonable amount for attorney's fees, including amounts for legal services provided and costs incurred, before the commencement of the proceedings or after entry of judgment.

(b) The court may order the amount to be paid directly to the attorney, who may enforce the order in the attorney's name.

(c) Except as otherwise provided by law, neither costs nor attorney's fees may be taxed against an agency or the agency's agents that is authorized to maintain proceedings under this article by Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669) and IC 12-17-2-21.

As added by P.L.1-1997, SEC.6.

IC 31-14-19

Chapter 19. Paternity Determination by Foreign Jurisdiction

IC 31-14-19-1

Sec. 1. A court or Title IV-D agency shall give full faith and credit to a paternity determination made by another state or foreign jurisdiction regardless of whether the determination is made through:

- (1) a voluntary acknowledgment; or
- (2) a judicial or an administrative process.

As added by P.L.1-1997, SEC.6.

IC 31-14-20

Chapter 20. Registration With Putative Father Registry

IC 31-14-20-1

Sec. 1. (a) This section does not apply to a man whose paternity is established under this article (or IC 31-6-6.1 before its repeal) before the filing of a petition to adopt the man's child.

(b) A man who files or is a party to a paternity action under this article shall register with the putative father registry under IC 31-19-5 within the period provided under IC 31-19-5-12.

As added by P.L.1-1997, SEC.6.

IC 31-14-20-2

Sec. 2. (a) A man who fails to register with the putative father registry as required by section 1 of this chapter waives the right to notice of an adoption of a child who is the subject of the paternity action:

- (1) if the adoption is filed before the man establishes paternity; and
- (2) in which the child's mother does not disclose to an attorney or agency arranging the adoption the name or address of the child's putative father.

(b) A waiver under this section constitutes the man's irrevocably implied consent to the child's adoption.

As added by P.L.1-1997, SEC.6.

IC 31-14-21

Chapter 21. Requirements When Adoption Pending for Child Who Is Subject of Paternity Action

IC 31-14-21-1

Sec. 1. Sections 1 through 7 of this chapter apply if a man who files or is a party to a paternity action under this article (or IC 31-6-6.1 before its repeal) is:

(1) served with notice under:

(A) IC 31-19-3 (or IC 31-3-1-6.4 before its repeal); or

(B) IC 31-19-4-1 through IC 31-19-4-9 (or IC 31-3-1-6.1 before its repeal); or

(2) informed in any other manner;

of a pending or potential adoption of a child who is the subject of the paternity action.

As added by P.L.1-1997, SEC.6.

IC 31-14-21-2

Sec. 2. Sections 1 through 7 of this chapter do not apply to a man whose paternity of a child is established before the filing of a petition to adopt the man's child.

As added by P.L.1-1997, SEC.6.

IC 31-14-21-3

Sec. 3. A putative father shall give notice of the paternity action to an attorney or agency that serves the putative father with notice as described in section 1(1) of this chapter.

As added by P.L.1-1997, SEC.6.

IC 31-14-21-4

Sec. 4. A putative father who has not been served with notice of a paternity action as described in section 1(1) of this chapter but knows:

(1) that an adoption has been filed; and

(2) the court in which the adoption is pending;

shall serve the clerk of the court having jurisdiction over the adoption with notice of the paternity action.

As added by P.L.1-1997, SEC.6.

IC 31-14-21-5

Sec. 5. The notice required by sections 3 and 4 of this chapter must include:

(1) the name of the court;

(2) the cause number; and

(3) the date of filing;

of the paternity action.

As added by P.L.1-1997, SEC.6.

IC 31-14-21-6

Sec. 6. If:

(1) a putative father fails to provide notice under section 3 or 4 of this chapter; and

(2) the prospective adoptive parents file a motion to intervene; the court with jurisdiction over the paternity action shall allow the prospective adoptive parents to intervene in the paternity action under Rule 24 of the Indiana Rules of Trial Procedure as described in section 8 of this chapter.

As added by P.L.1-1997, SEC.6.

IC 31-14-21-7

Sec. 7. If the court has already established the paternity of a father who fails to provide notice under section 3 or 4 of this chapter and the prospective adoptive parents file a motion to intervene, the court shall:

- (1) set aside the paternity determination to reinstate the paternity action; and
- (2) allow the prospective adoptive parents to intervene as described in section 6 of this chapter.

As added by P.L.1-1997, SEC.6.

IC 31-14-21-8

Sec. 8. (a) If:

- (1) an adoption of a child who is the subject of the paternity action is pending; and
- (2) the prospective adoptive parents file a motion to intervene; the court having jurisdiction over the paternity action under this article shall allow the prospective adoptive parents to intervene in the paternity action under Rule 24 of the Indiana Rules of Trial Procedure.

(b) The prospective adoptive parents may intervene under this section solely for purposes of:

- (1) receiving notice of the paternity proceedings; and
- (2) attempting to ensure that the putative father's paternity is not established unless the putative father is the child's biological father.

(c) A prospective adoptive parent may object to any error that occurs during the paternity proceedings.

As added by P.L.1-1997, SEC.6.

IC 31-14-21-9

Sec. 9. (a) If a court presiding over a paternity action under this article knows of:

- (1) a pending adoption of a child who is the subject of the paternity action; and
- (2) the court in which the adoption is pending;

the court having jurisdiction over the paternity action shall establish a child's paternity within the period prescribed by this chapter.

(b) The court shall conduct an initial hearing not more than thirty (30) days after:

- (1) the filing of the paternity petition; or
- (2) the birth of the child;

whichever occurs later.

As added by P.L.1-1997, SEC.6. Amended by P.L.200-1999, SEC.3.

IC 31-14-21-9.1

Sec. 9.1. (a) At the initial hearing held under section 9 of this chapter, the court shall order all the parties to the paternity action to undergo blood or genetic testing.

(b) If the alleged father is unable to pay for the initial costs of the testing, the court shall order that the tests be paid by the state department of health from putative father registry fees collected under IC 31-19-2-8(2). The state department of health may recover costs from an individual found to be the biological father of the child in the action.
As added by P.L.200-1999, SEC.4.

IC 31-14-21-9.2

Sec. 9.2. Not later than ninety (90) days after the initial hearing held under section 9 of this chapter, the court shall conduct a final hearing to determine paternity. Not more than fourteen (14) days after the final hearing, the court shall issue its ruling in the paternity action.
As added by P.L.200-1999, SEC.5.

IC 31-14-21-10

(Repealed by P.L.200-1999, SEC.34.)

IC 31-14-21-11

(Repealed by P.L.200-1999, SEC.34.)

IC 31-14-21-12

(Repealed by P.L.200-1999, SEC.34.)